HIGH COURT OF CHHATTISGARH AT BILASPUR

REVIEW PETITION No. 68 of 2007

APPLICANTS PETITIONERS : 1. Smt. Anita Singh W/o Abhay Raj, aged about 35 years, R/o Q.N. 52 Valmiki Ambedkar Awash, P. Ravishankar Shukl Nagar, Korba, Distt. Korba (C.G.)

2. Smt. Suman Bareth W/o Rameshwar Bareth, aged about 21 years, R/o Q.N. 84, Valmiki Ambedkar Awash, P. Ravishankar Shukl Nagar, Korba, Distt. Korba (C.G.)
3. Smt. Shyam Bai W/o Narayan Sahu, aged about 35 years, R/o Q. N. 47, Valmiki Ambedkar Awash, P. Ravishankar Shukl Nagar, Korba, Distt. Korba (C.G.)
4. Smt. Geeta Bareth W/o Jagdish Bareth, aged about 45 years, R/o Q. N. 65 Valmiki Ambedkar Awash, P. Ravishankar Shukl Nagar, Korba, Distt. Korba (C.G.)
5. Smt. Kara Bai W/o Laxman Das Mahant, aged about 40 years, R/o Q.N. 95 Valmiki Ambedkar Awash, P. Ravishankar Shukl Nagar, Korba, Distt. Korba (C.G.)
6. Smt. Hiramaniya Kumhar W/o Amar Singh Kumhar, aged about 35 years, R/o Q.N. 53 Valmiki Ambedkar Awash, P. Ravishnakar Shukl Nagar, Korba, Distt. Korba (C.G.)
7. Smt. Boond Kunwer Chauhan, W/o Late Murari Chauhan, aged about 48 years, R/o Q.N. 31 Valmiki Ambedkar Awash, P. Ravishankar Shukl Nagar, Korba, Distt. Korba (C.G.)

VERSUS

RESPONDENTS : 1. Municipal Corporation, Korba, Through, The Commissioner, Korba, Distt. Korba C.G.

2. State of Chhattisgarh Through Secretary Department of Local Government, D.K.S. Bhawan, Raipur C.G.

APPLICATION FOR REVIEW OF ORDER DATED 31.08.2007 PASSED IN WRIT PETITION NO. 411/2006

SB: Hon'ble Shri Satish K. Agnihotri, J.

BY CIRCULATION

ORDER

(Passed on 31st day of October, 2007)

1. This review petition is considered in the Chamber under the provisions of Rule 76(2) of the High Court of Chhattisgarh Rules, 2005.

2. I.A. No. 1, this is an application for condonation of delay. The application is ordered as prayed for.

3. The writ petitioner no. 8, 2, 11, 4, 3, 12 and 13 have filed this review petition seeking review of the order dated 31.08.2007 passed by this Court in W.P. No. 411 of 2006. The petitioners have filed this review petition on the ground that allotment of the alternative site was to be done on lottery basis. The quarters which are in possession of the review petitioners were allotted to the other persons. The petitioners have been residing in the present accommodation since the year 2002. This Court, in the order dated 31.08.2007 passed in W.P. No. 411/2006, have considered all the grounds and it was held that the petitioners were in unauthorized occupation. The review petitioners and other writ petitioners have failed to produce any document to establish their legal occupation in the houses in Valmiki Ambedkar Colony. Even in the review petition, the review petitioners have not produced any document. The review petitioners alongwith others have been allotted alternative accommodation on payment of a nominal amount and some of the occupants of Valmiki Ambedkar colony have already shifted in the alternative accommodation as described in document Annexure R/2-2, annexed to the writ petition.

4. The review petitioners have not pointed out any manifest error on the record and the petitioners have not further brought into the notice, any new fact which could not be produced earlier despite diligent efforts made by the petitioner. It is well settled principles of law that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure, even in exercise of review jurisdiction by the High Court under Article 226 of the Constitution. The applicants have not produced any new ground for review, except the same ground which has been considered and decided in the writ petition.

5. Applying the well settled principles of law to the present case, there is no ground available for review of the order dated 31.08.2007. Under the garb of the review petition, the petitioners seek an opportunity to argue the entire case afresh which would amount to convert the review petition into an appeal and the same is not sustainable in law.

6. As a result and in view of the foregoing, this review application is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge